
REMARKS

Reexamination and reconsideration in light of the foregoing amendments to the claims and following remarks is respectfully requested.

Claims 7-26 are pending in this application. Claims 1-6 have been canceled and claims 7-10 have been withdrawn from consideration due to a restriction requirement. Even though claims 1-6 have been canceled, Applicants affirm the election of claims 1-6 directed to a sputtering target. New claims 11-26 drawn to a sputtering target have been added. The new claims are directed to the elected invention. No new matter has been added to the application. Support for the new claims can be found at pages 12-18 of the specification.

Applicants note the Examiner's consideration of references cited in the Information Disclosure Statements filed August 22, 2001 and September 27, 2002.

Claims 1, 3 and 6 were rejected under 35 U.S.C. § 102(b) as being anticipated by Masaki (Japanese Publication No. 05-148631). Claims 1, 3 and 6 have been canceled, thereby rendering the rejection moot.

Claims 1-3, 5 and 6 were rejected under 35 U.S.C. § 102(b) as being anticipated by Schlott et al. (Japanese Publication No. 8-260136) or Uchida et al. (U.S. Patent No. 5,468,305) or Schlott et al. (U.S. Patent No. 6,372,104). Claims 1-3, 5 and 6 have been canceled, thereby rendering the rejections moot.

Claims 1-6 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Takashima (U.S. Patent No. 6,406,600). Claims 1-6 have been canceled, thereby rendering the rejection moot.

New claims 11-26 have been added. The sputtering targets disclosed by Masaki, Schlott et al. and Uchida et al. relied upon by the Examiner are chemically alloyed targets, as opposed to the mechanically alloyed targets of the claimed invention. Takashima's product is a target produced by a sintering process. Takashima discloses performing a HIPing step during the sintering process. However, Takashima's process differs substantially from the process for producing targets of the present invention. Applicants' process requires a first step of forming the target alloy by mechanical alloying, i.e., ball milling cobalt master alloys with platinum metal at a non-sintering temperature, followed by a HIPing step to densify the alloy. None of the references relied upon by the Examiner disclose or suggest this sequence of steps.

The mechanically alloyed cobalt/platinum targets of the invention produced by the disclosed process have a chemical homogeneity, which does not appear to be found in chemically alloyed or sintered targets of the prior art. Further, the mechanically alloyed cobalt/platinum targets have a microstructural homogeneity, not known in the prior art. For these reasons, the targets in the new claims are recited as comprising a mechanically alloyed, chemically homogeneous alloy composition having microstructural homogeneity. The homogeneity in the molecular structure of the cobalt/platinum alloy would not have been expected by a person having ordinary skill in the art from the teachings of the prior art, taken alone or in combination, relied upon by the Examiner.

For the foregoing reasons, it is submitted that new claims 11-26 are patentable over the teachings of the references relied upon by the Examiner. Accordingly, favorable reconsideration of the claims is requested in light of the preceding amendments and remarks. Allowance of the claims is courteously solicited.

Application No. 09/832,181

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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